Software Rights Archive, LLC v. Google Inc. et al Doc. 254

EXHIBIT 1

Dockets.Justia.com

Charoensak v Apple Computer, Inc.   Depo of Somtai Charoensak   1-12-07

Page 1 to Page 178

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

Aiken & Welch Court Reporters
One Kaiser Plaza, Suite 505
Oakland, CA 94612
Phone: 510-451-1580

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
---OOO---

SOMTAI TROY CHAROENSAK, and MARIANA ROSEN, individually, and on behalf of all others similarly situated,

Plaintiff,

vs. No. C0500037 JW

APPLE COMPUTER, INC.,

Defendants.

______________________/

DEPOSITION OF SOMTAI TROY CHAROENSAK

Taken before EARLY K. LANGLEY, RMR
CSR No. 3537
January 12, 2007

INDEX

	PAGE
EXAMINATION BY MR. MITTELSTAEDT	7, 174
EXAMINATION BY MR. KATRIEL	170

EXHIBITS

DEFENDANTS'		PAGE
1	Documents that have been produced and marked Charoensak 2, 3, 5, 6 and 7	98
2	Printout of music files	149

DEPOSITION OF SOMTAI TROY CHAROENSAK

BE IT REMEMBERED, that pursuant to Notice, and on the 12th day of January 2007, commencing at the hour of 9:07 a.m., in the offices of Jones Day, 555 California Street, 26th Floor, San Francisco, California, before me, EARLY K. LANGLEY, a Certified Shorthand Reporter, personally appeared SOMTAI TROY CHAROENSAK, produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.

---o0o---

ROY A. KATRIEL, The Katriel Law Firm, 1101 30th Street NW, Suite 500, Washington, D.C. 20007, appeared on behalf of the Plaintiff.

MICHAEL M. GOLDBERG, Glancy, Binkow & Goldberg, LLP, 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067, appeared on behalf of the Plaintiff.

ROBERT A. MITTELSTAEDT, TRACY STRONG, Jones Day, 555 California Street, 26th Floor, San Francisco, California, appeared on behalf of the Defendant Apple Computer.

ALSO PRESENT: Nick Silva, Tele-Video Production Services, Oakland, California.

Page 21

back my -- plug my iPOD back in. I wouldn't have access of putting it onto my computer. It would -- it's like somehow like locked. It even has like a little icon of a lock.
Q. I don't fully understand what you are saying so let me spend a little more time on it.
A. Okay.
Q. When you -- how many songs did this happen with?
A. Just the songs that I purchased from iTunes.
Q. So, approximately how many did you have this problem?
A. At the time, or?
Q. At the time.
A. I don't recall exactly.
Q. Up till today, how many songs have you had that problem with?
A. All the songs I've downloaded from iTunes.
Q. And how many are those?
A. I don't know the exact number.
Q. Approximately.
A. Approximately. I don't know the exact number, but I've given you the -- my purchase history and I'm sure...

Page 22

Q. But can you estimate for us approximately how many songs you've downloaded from iTunes?
A. Probably around between 100 and 300.
Q. And so the problem that you were experiencing when you were e-mailing with Ms. Wong was that the songs you had downloaded from Apple would play on your iPOD okay, but then when you tried to play them on the computer they wouldn't play; do I understand that correctly?
A. No. As long as I had my iPOD connected to my computer they'd play okay, but if I wanted to, let's say, burn a disk so that I could listen to the music in my car, I would not be able to do that. So the music that I downloaded from iTunes I wouldn't be able to transfer to any other media or play it on any other media besides my iPOD.
Q. So, just -- I want to take this piece by piece. As far as playing the music from Apple on your iPOD, you did not experience any problem; correct?
A. No. Actually, sorry, can I say? There -- there has been a couple of times when I don't know what it is, but the music that I play from iTunes it will not play sometimes on my iPOD, and I have to refresh it using the iTunes software. And then

Page 23

it will, I don't know, unlock the music again and then I can play it on my iPOD, so I have had problems playing iTunes music on the iPOD.
Q. Okay. Let's come back to that. Let's put that aside for a minute.
But the problem you were describing to Ms. Wong was -- didn't have anything to do with playing the music on the iPOD; correct?
A. No, it did not.
Q. So you're agreeing, it didn't have anything to do with it; right?
A. I'm sorry?
Q. Did the problem you were complaining to Ms. Wong about or discussing with Ms. Wong have anything to do with playing the music from Apple on your iPOD?
A. It didn't have any -- it didn't have -- I wasn't talking about the actual music coming out of my iPOD, no.
Q. Okay. What you were talking about instead was when you tried to burn the music that you had downloaded from Apple's Music Store onto a CD; correct?
A. Yes. Yes.
Q. And what problem were you experiencing

Page 24

when you tried to do that?
A. I -- I wasn't able to do it. That was the problem.
Q. How were you attempting to do it?
A. How I was attempting to do it was I plugged in my iPOD into iTunes. I could see the music there that I purchased, but when I would try to burn a disk of that music, it would not allow me at all.
Q. Go back a step. When you downloaded music from Apple's Music Store, iTunes Music Store, were you aware of what directory or what library it went to on your computer?
A. No, I was not aware.
Q. Have you ever looked at your library in the iTunes application on your computer?
A. Yes, I have.
Q. And does that library contain music that you have downloaded from Apple's Music Store?
A. Now, you mean?
Q. At any time.
A. At any time. Yes, it does. Initially, yeah.
Q. And then what happened?
A. Usually because I need -- well, at the